

**THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

BRIAN GARRETT, et al.,)	
)	Case No. 2:18-cv-00692
Plaintiffs,)	
)	Judge Michael H. Watson
v.)	
)	Chief Magistrate Judge Elizabeth P.
THE OHIO STATE UNIVERSITY,)	Deavers
)	
Defendant.)	
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)	
STEVE SNYDER-HILL, et al.,)	Case No. 2:18-cv-00736
)	
Plaintiffs,)	Judge Michael H. Watson
)	
v.)	Chief Magistrate Judge Elizabeth P.
)	Deavers
THE OHIO STATE UNIVERSITY,)	
)	
Defendant.)	
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)	
NICHOLAS NUTTER, et al.)	Case No. 2:19-cv-02462
)	
Plaintiffs,)	Judge Michael H. Watson
)	
v.)	Chief Magistrate Judge Elizabeth P.
)	Deavers
THE OHIO STATE UNIVERSITY,)	
)	
Defendant.)	
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)	
ROCKY RATLIFF,)	Case No. 2:19-cv-04746
)	
Plaintiffs,)	Judge Michael H. Watson
)	
v.)	Chief Magistrate Judge Elizabeth P.
)	Deavers
THE OHIO STATE UNIVERSITY,)	
)	
Defendant.)	
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JOHN DOES 151-166,)	
)	Case No. 2:20-cv-03817
Plaintiffs,)	
)	Judge Michael H. Watson
v.)	
)	Chief Magistrate Judge Elizabeth P.
THE OHIO STATE UNIVERSITY,)	Deavers
)	
Defendant.)	
_____)	

**NOTICE OF INTENT TO ESTABLISH
STRAUSS INDIVIDUAL SETTLEMENT PROGRAM
BY DEFENDANT THE OHIO STATE UNIVERSITY**

This Notice of Intent is being filed to respectfully advise the Court of The Ohio State University's ("Ohio State") forthcoming and continuing efforts to resolve on an individual basis the claims of the remaining eligible survivor plaintiffs in the five above-captioned actions through a new public settlement program. In this regard, Ohio State states as follows:

1. In March 2018, the Ohio State of today was advised about alleged misconduct of Dr. Richard Strauss during the 1978 to 1998 time period. Richard Strauss died in 2005.

2. Ohio State was determined to learn what, if anything, had occurred, and hired, through counsel, the law firm of Perkins Coie LLP to conduct an independent investigation of the Strauss allegations. After a thorough, year-long investigation, Ohio State publicly released Perkins Coie's 182-page report regarding Strauss in May 2019.

3. Ohio State has condemned Strauss' conduct and the university's failure at the time to prevent the abuse, and has expressed its regret and sincere apologies to each person who endured or has been impacted by Strauss' abuse.

4. Despite the time-barred nature of the plaintiffs' legal claims, Ohio State has attempted to reconcile and restore the bond between itself and its former students and alumni who were impacted by Strauss, and join with them in the healing process. As a result, when the Court

ordered the parties to mediate the lawsuits, Ohio State complied, and has done so for more than 20 months.

5. On March 6, 2020, as a result of successful mediation efforts by the Court-appointed mediator, United States Senior District Judge Michael R. Barrett, Ohio State and 162 plaintiffs in the majority of the then-pending cases announced a \$40.9 million settlement (an average settlement value per survivor of \$252,551.02) following months of extensive negotiations through the mediation process. *See DiSabato*, Unopposed Motion to Establish 468B Qualified Settlement Fund (Doc. 39) (“*DiSabato* QSF Motion”) at ¶¶ 1, 3.

6. On October 12, 2020, Ohio State and 23 additional plaintiffs in five cases announced a \$5.8 million settlement (an average settlement value per survivor of \$252,551.02) on the same basis as the March 6, 2020 settlement. *See John Does 151-166*, Unopposed Motion to Establish 468B Qualified Settlement Fund (Doc. 18) (“*John Does 151-166* QSF Motion”) at ¶¶ 1, 3.

7. In total, to date, Ohio State has reached monetary settlements with ten law firms representing 185 plaintiffs in 17 lawsuits (leaving 5 lawsuits pending) totaling \$46.7 million (an average settlement of \$252,551.02 per plaintiff). Counsel for the 185 settling plaintiffs announced at the time that Ohio State had stepped forward and “done the right thing.” *DiSabato* QSF Motion at ¶ 1; *John Does 151-166* QSF Motion at ¶ 1.

8. After the March 6, 2020 and October 12, 2020 settlements, with Judge Barrett’s assistance and guidance, Ohio State continued to mediate with the remaining plaintiffs in the above-captioned lawsuits.

9. Regardless of the mediation or litigation, in a continuation of its effort to do the right thing, Ohio State is advising the Court that, after May 1, 2021, it intends to make available a public individual settlement program through which counsel and their eligible plaintiffs in the five

above-captioned actions who have not resolved their claims against Ohio State by May 1, 2021, can do so on an individual basis. Although the details of the program are still being finalized, the Strauss Individual Settlement Program (the “Program”) will provide a structure and monies for those eligible plaintiffs who wish to participate in it. Each eligible plaintiff will only be allowed to participate in the Program through his lawyer, as a release will be required. The Program will provide for verification of claims and a tiering of compensation depending on the nature of the conduct and other factors. It will be independently administered by Matt Garretson, the Special Master in the March 6, 2020, and October 12, 2020 settlements.

10. The Program will allow for possible monetary settlements on an individual basis. Unlike the prior group settlements of March 6, 2020, and October 12, 2020, the Program does not involve a division and allocation of a defined settlement fund across numerous plaintiffs. Ohio State is committed to providing an average settlement value per plaintiff of up to \$252,551.02 based on the number of eligible plaintiffs who participate in the Program and receive a monetary settlement. In other words, the average settlement value per plaintiff may be less than, but will not exceed, \$252,551.02. The monetary settlement for each participating plaintiff will be based upon criteria to be administered by Mr. Garretson. Ohio State will pay the costs required to administer the Program. The deadline to enroll in the Program will be 120 days after the initiation of the Program.

11. This Notice of Intent and the creation of the Program are being done without waiver of any of Ohio State’s defenses to the litigation, and its creation is not intended as an admission of liability.

12. By making the Program available to the eligible plaintiffs in the five above-captioned actions, Ohio State continues its effort to reconcile and restore the bond between itself

and its former students and alumni who were impacted by Strauss, and join with them in the healing process.

Respectfully submitted,

DAVID A. YOST
ATTORNEY GENERAL OF OHIO

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Special Counsel for Defendant The Ohio State
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was filed electronically on May 3, 2021. Notice was sent by operation of the Court's electronic filing system to all other counsel who have entered an appearance and any parties who have entered an appearance through counsel. The parties may access this filing through the Court's ECF system.

/s/ Michael H. Carpenter

One of the Attorneys Representing
Defendant The Ohio State University